

invention. More specifically, the Examiner believes that the written description is not commensurate in scope with the claims drawn to an allelic variant of a DNA encoding the polypeptide comprising residues 141-337 of SEQ ID NO:2.

Applicants have amended claims 1, 4, 13, 21, 26, and 31 to remove any recitation of "allelic variants." Claims 6, 16, and 18, although not specifically rejected, have been similarly amended. The rejection is thus overcome. These amendments have been made solely to expedite the prosecution of claims drawn to the polynucleotides and polypeptides of SEQ ID NO:1 and NO:2.

Claims 1-32 were rejected under 35 U.S.C. § 102(e) as being anticipated by Collins et al., U.S. Patent No. 5,710,023. The Examiner cited Collins et al. as disclosing a peptide (SEQ ID NO:4) that is identical to Applicants' SEQ ID NO:2 from position 1-380.

This ground of rejection is traversed. Submitted herewith are (1) a Declaration Under 37 CFR § 1.131 of inventors Baumgartner, Farrah, Foster, Grant, and O'Hara (unexecuted), and (2) a Declaration of Gary E. Parker. Together, these Declarations establish that the subject matter of claims 1, 3-13, and 15-32 was either reduced to practice before the effective date of the Collins et al. patent, or was conceived before that date and was constructively reduced to practice with diligence from a time before the effective date of Collins et al. An executed copy of the Declaration Under 37 CFR § 1.131 will be submitted in the near future.

Applicants have amended the claims to remove recitations of SEQ ID NO:3 and SEQ ID NO:4, which sequences are believed to be patentably distinct from the disclosure of Collins et al.

On the basis of the above amendments and remarks, Applicants believe that each rejection has been addressed and overcome. Reconsideration of the application and its allowance are requested. If for any reason the Examiner feels that a telephone conference would expedite

prosecution of the application, the Examiner is invited to telephone the undersigned at (206) 442-6673.

Respectfully Submitted,



Gary E. Parker
Registration No. 31,648

Enclosures:

Petition and Fee for Extension of Time (in duplicate)
Amendment Fee Transmittal (in duplicate)
Postcard
Declaration Under 37 CFR § 1.131
Declaration of Gary E. Parker

Gary E. Parker
ZymoGenetics, Inc.
1201 Eastlake Avenue East
Seattle, WA 98102
Tel. 206-442-6673
Fax 206-442-6678